UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1995/195
10 March 1995
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 9 MARCH 1995 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to the letter sent to you by the Permanent Representative of Kuwait dated 6 March 1995 and circulated as document S/1995/184. On instructions from my Government, I should like to make it clear that this letter contains allegations unsubstantiated by the facts, which are intended to mislead the members of the Security Council and deflect the Council from the proper legal application of the provisions of the resolutions adopted concerning the situation between Iraq and Kuwait. These accusations will be dealt with individually below.

I. Missing persons

Firstly, it should be noted that the Kuwaiti letter still refers to what it calls "prisoners and hostages", while the minutes of the tripartite committee, which includes among its members Iraq, Kuwait, France, the United Kingdom and the United States of America and which operates under the auspices of the International Committee of the Red Cross, confirm that the question is that of "missing persons", since the operation to repatriate prisoners came to an end in 1991. It should be pointed out that all the above-mentioned minutes were signed by every member of the tripartite committee, including Kuwait.

The Kuwaiti letter alleges that Iraqi participation in the meetings of the tripartite committee was proforma and intended to evade responsibility and waste time in order to get through the current stage of the sanctions issue. This allegation is in radical conflict with the texts of the reports of the tripartite committee and its technical subcommittee, which make it absolutely clear that Iraq is completely serious about observing its legal, humanitarian and moral responsibilities in this field, and that the competent Iraqi authorities have dealt with many of the missing persons' dossiers within the context of the circumstances and data relating to the matter.

While emphasizing these responsibilities, the Government of my country would like to draw attention to the fact that the minutes of the last meeting of

the technical committee for missing persons, held at Geneva on 23 and 24 February 1995, indisputably mention requesting additional information from Kuwait in order to facilitate the search for missing persons with which most of the meeting's agenda items were concerned. It has become well known that the Kuwaiti side continues to politicize the matter at the expense of peaceful joint working methods, which has been confirmed more than once in the discussions of the tripartite committee. The Kuwaiti motive for this behaviour is not hidden from anyone, since it is to exploit the matter in order to maintain the sanctions against Iraq. This is incompatible with the humanitarian aspects of the issue, the purposes of Security Council resolutions and the essence of the customary international norms for the settlement of problems involving missing persons.

II. Return of property

The claims made in the Kuwaiti letter in this respect are also unsubstantiated by the facts, since the Iraqi Government is committed to applying the provisions of the relevant Security Council resolutions. On this basis, Iraq has returned large amounts of Kuwaiti property, as witnessed by the report of the Secretary-General contained in document S/1994/243. Most recently, the competent Iraqi authorities concerned made a careful examination of the Kuwaiti list contained in document S/1995/39 and informed the Secretariat that the necessary steps would be taken to return any property discovered as a result of the previous investigation (Iraqi letter dated 27 February 1995, circulated as a Security Council document).

It is surprising that the Kuwaiti letter should allege that Iraq has yet to discharge its obligations with regard to the United Nations Compensation Fund, when everyone is aware that the discharge of those obligations is linked to the lifting of the embargo on Iraqi petroleum exports and that the Kuwaiti authorities' every effort is devoted to preventing the lifting of the embargo.

It is also surprising that the Kuwaiti letter calls on Iraq to implement Security Council resolutions 706 (1991) and 712 (1991), despite the fact that this matter does not concern the Government of Kuwait, which proves the tendentious political motivation of Kuwaiti activities and the Kuwaiti letter.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative